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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,536	02/01/2001	Hisao Haji	81754.0051	2272
26021	7590	06/24/2004	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			SAETHER, FLEMMING	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/775,536

Applicant(s)

HAJI ET AL.

Examiner

Flemming Saether

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

Claims 1, 2, 5, 6, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (US 6,363,357). Rosenberg discloses a management system and method for Internet transactions wherein a quote/price is validated (column 7, line 51-53). Through a Web page, a program (header 202) is transmitted to a receiving terminal associated with a product to be purchased. The program is then returned wherein its contents, including price, are validated using the same calculations in order to ensure it has not been tampered with (column 7, paragraph beginning line 16). The program is not specifically stated as being a calculation program. However, price calculation programs are notoriously well known and Rosenberg indicates that "the price and any other relevant data" (column 6, line 23) may be included. Thus it would have been obvious at the time the invention was made for the skilled artisan to include a calculation program depending on the particular application.

Claims 7, 8, 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg as applied to claims 1, 2 and 5 above, and further in view of McAuliffe (US 5,838,790). Rosenberg does not disclose any details as to what is the result when tampering is detected. McAuliffe discloses a tamper detection program wherein once tampering is detected it is communicated and logged. At the time the

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invention was made, it would have been obvious for one of ordinary skill in the art to provide the method/system of Rosenberg with a tamper detection program as disclosed in McAuliffe in order to monitor any tampering. The various methods/systems or monitoring any tampering are well know and would have been implemented depending upon the particular application of the tamper detection program.

### ***In Response to Remarks***

Applicant argues that the prior art in particular Rosenberg does not disclose a web page having a program for calculating a quotation added thereto to a receiving terminal operated by a user. In response, the examiner disagrees because Rosenberg teaches the header (202), which is used for compared calculations, is part of the program (180) which the buyer/user downloads from a web page (181), (step 600). Therefore, since the header is downloaded with the program and the header includes the MAC, used for comparison, then it reads on the web page including whatever calculating program to determine the MAC. Alternatively, the buyer/user downloads software (178), through a web site (174), at the time of registering (step 408) enabling communication with the merchant. In either case, the buyer must have downloaded program through a web site, thus meaning the web page must have sent the program once requested, in order for the buyer/user to have a program required for calculating the MAC in the header. Lastly, the applicant is reminded that the claims are required to be given their broadest reasonable interpretation and as such, the broker could be considered as either part of the merchant and/or user since there is no claim language

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precluding such an interpretation and, the that there may be additional information used in the calculations would also not be precluded.

As recognized in the rejection, Rosenberg does not specifically disclose a price calculation program but, as made obvious in rejection, and not disputed by applicant, such programs are notoriously well known,

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

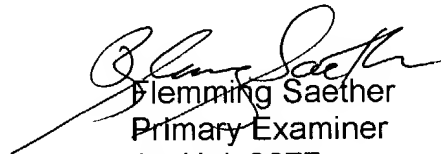
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Flemming Saether  
Primary Examiner  
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